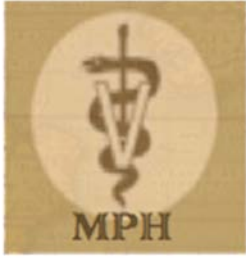


EXHIBIT “A”

Expert Report of Dr. William James

January 29, 2015



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Animal Legal Defense Fund, People for the Ethical Treatment of Animals, Counterpunch, Amy Meyer, Will Postter, Daniel Hauff, James McWilliams, Jesse Fruhwirth,

v.

Gary R. Herbert, in his official capacity as Governor of Utah; Sean D. Reyes, in his official capacity as Attorney General of Utah

EXPERT REPORT

Risks associated with clandestine documentation activities inside animal agriculture enterprises

I. Introduction

This report discusses some of the risks to animals and to people associated with activities by individuals when engaged in surreptitious recording of animal handling practices on farms and in packing plants. Among the risks are threats to animal health and welfare, exposure of employees to unsafe working conditions, and of consumers to unsafe food.

II. Qualifications*

At the time of my retirement from the U.S. Department of Agriculture's Food Safety and Inspection Service, I served as the Chief Veterinarian and a Senior Executive. During my 28 year career I worked in the offices of Field Operations, Policy, Science, and International Affairs. Among my responsibilities were coordination of animal humane handling enforcement throughout the country, and direction of ante-mortem and post-mortem inspection of livestock and poultry.

*See attached curriculum vitae for more complete qualifications.

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Currently, I am the Chief Consultant at William James & Associates, LLC. Drawing from my experience, I provide assistance on humane handling of animals, international and domestic issues of regulatory compliance, foreign equivalence requirements, supply chain security, and other areas of food safety and international trade.

Education

Johns Hopkins University
Baltimore, Maryland
Graduated: *MPH* 1986 - 1987

Louisiana State University
Baton Rouge, Louisiana
Graduated: *DVM* 1976 – 1980

Professional Associations

American Veterinary Medical Association
National Association of Federal Veterinarians

Selected Awards

Distinguished Alumnus Award – For accomplishments in veterinary medicine and contributions to the community through public service. LSU School of Veterinary Medicine, 2009

Administrator's Excellence Award – For outstanding accomplishments and professionalism in food safety and food defense. FSIS, 2007

Selected Publications

Salmonella serotypes in selected classes of food animal carcasses and raw ground products, January 1998 through December 2000, Columb P. Rigney, DVM, MPH, DACVPM ..., William James, DVM, MPH, Journal of the American Veterinary Medical Association, pp. 524-530, Vol 224, No. 4, February 15, 2004.

Use of a Priority Rating Process to Sort Meatborne Zoonotic Agents in Beef, Kenneth E. Petersen, DVM, William O. James, DVM, MPH ..., Journal of Agromedicine, pp. 17-36, Vol. 3, No. 1, 1996.

Cost-Effective Techniques to Control Human Enteropathogens on Fresh Poultry, William O. James, et al, Poultry Science, 72:1174-1176, June 1993.

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Selected Work Experience

United States Department of Agriculture, Food Safety and Inspection Service, Office of Field Operations, 2008 – 2011, Washington, DC

Chief Public Health Veterinarian (Senior Executive Service) representing FSIS before the world on issues of veterinary public health and animal welfare. Responsible for a public health program that conducts inspections and enforces regulatory requirements at establishments slaughtering food animals and/or processing meat, poultry and egg products. Oversee activities of five of OFO's 15 Districts, with combined employment of 3,200 people, combined budgets of \$250 million, and regulate almost 1,400 establishments in 16 States, covering wide geographic regions in the Midwest, Southeast, and Mid-Atlantic.

USDA, FSIS, Office of Public Health Science, 2002 – 2004, Washington, DC

Executive Director for public health and scientific program services. Charged with oversight of four divisions: Microbiology Division, Risk Assessment Division, Human Health Sciences Division, Zoonotic Diseases and Residue Surveillance Division.

Selected Presentations

Private Sector Best Practices for Compliance with Meat Inspection Regulations to World Meat Industry Development Conference
Qingdao, China; September 2015

Systematic Approach to Animal Welfare to American Meat Institute Foundation Animal Care and Handling Conference
Kansas City, MO; October 2013

Investigation of Downer Cow Abuse in California to AVMA Annual Convention
Seattle, WA; July 2009

III. Compensation

My rate of compensation is \$200 per hour to a maximum of \$1,600 per day for consultation, research, report writing, depositions, and trial testimony. I charge \$800 per travel day, plus expenses.

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IV. Case History Disclosure

Cases in which I have provided expert reports or depositions:

United States of America v. Jesse J. Amaral, Jr., Felix Sandoval Cabrera, and Eugene D. Corda (U.S. District Court, Northern District of California, San Francisco Division; CR 14 437; August 14, 2014)

Foster Poultry Farms, Inc. v. Certain Underwriters at Lloyd's, London (U.S. District Court, Eastern District of California 1:14-cv-00953 WBS-SAB; July 16, 2015)

V. Opinion

The domestication of animals in ages past was a foundation for the improvement of the human condition. Even today there are many populations upon the globe for whom their domesticated animals remain the difference between survival and destitution.

Generally, people who raise animals for a living show respect to their charges as sentient creatures. They also understand healthy animals improve earnings. Typically, farmers and packers are very interested in the health and welfare of the animals in their care.

Some individuals and groups conduct clandestine activities inside animal agriculture enterprises for a variety of purposes. These activities carry with them specific hazards. Among the risks inherent in these activities are threats to animal health and welfare, and threats to human safety and health.

Risks to Animals

Animal Health

One of the chief goals of owners of animals always has been to minimize animal diseases. Prevention and treatment of the myriad of animal diseases has evolved to highly complex level in advanced countries like the United States (U.S.).

Good nutrition, environments designed to maximize health, vaccinations, and veterinary treatment all contribute to healthy herds and flocks. But, none of these is more important than prevention of exposure to infectious diseases.

It is important to farmers to isolate herds and flocks from other animals, especially those known to have come from an area where infectious disease is present. To this end, introduction of new animals to herds and flocks is controlled. Veterinary certificates of health are often required before animals are allowed to move across state lines.

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But, infectious diseases can be introduced by other vectors. Wild animals, rodents, and contaminated feed or equipment can also introduce diseases. Another important source of infection that also must be controlled is the entry of people to premises where livestock or poultry are raised.

Biosecurity is a cornerstone of livestock and poultry production systems. Biosecurity is a broad term that means anything done to keep diseases out, from the structure of the building (structural biosecurity) to on-farm procedures (operational biosecurity), such as providing boot-washing stations at the entrance to barns and limiting visitor traffic.⁹

Porcine Epidemic Diarrhea virus (PEDv) and avian influenza (AI) are two examples of recent, widespread, contagious animal diseases in the US for which people can serve as fomites. Farmers control access to their premises to prevent diseases such as these. Access is restricted to personnel essential to the care and feeding of animals. Introduction of diseases such as PEDv and AI can devastate a herd or flock, resulting in great suffering by infected animals.

An acute outbreak of PEDv on a susceptible breeding farm is characterized by watery diarrhea in pigs of all ages. A markedly increased number of acute deaths may be seen, particularly in pigs infected toward the end of the finishing period and in stress-sensitive breeds. Death may even occur during the incubation period. Mortality in neonatal pigs averages 50%. Older pigs are lethargic and depressed. Sick pigs appear to have pain from colic.²

The U.S. Department of Agriculture (USDA) reports¹ over 2,000 swine herds have been infected by PEDv from June 2014 through December 2015, scattered over 35 states. The disease was not present in the US before April 2013. The results of an exhaustive investigation⁵ by the USDA's Animal and Plant Health Inspection Service (APHIS) indicate that human activity was the source of introduction of this disease into the US, and the cause of its wide and rapid spread around the country.

APHIS has issued a management plan for this disease.³ It includes biosecurity of visitors and all vehicles entering or exiting swine premises, and types of personal protective equipment or procedures required for anyone entering/exiting the premises. Biosecurity of employees such as lines of separation, protective outerwear, donning and doffing practices, and information addressing employee movement practices from premises to premises (if allowed at all) must be addressed to prevent the introduction and spread of diseases such as PEDv.

Another set of guidelines⁴ from the University of Minnesota, Center for Animal Health and Food Safety call for the implementation of biosecurity protocols that include measures addressing the control of human movements onto and within livestock farms. People have the potential to serve as sources of infection from contaminated fomites such as footwear, clothing, farm supplies, and vehicles.

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The American Association of Swine Veterinarians (AASV) cautions that farmers need to be especially diligent about personnel and visitors allowed onto farms. The AASV recommends⁶ limiting traffic (people and equipment) onto farms as an important biosecurity measure. The *Merck Veterinary Manual*² cautions that PEDv is easily spread during an epidemic by people, animals, and fomites. Therefore, special care should be taken to prevent spread to unexposed groups of pigs and to neighboring herds.

The principle of controlling the movement of people to control the movement of infectious diseases to livestock and poultry is recognized and applied internationally. For example, the US Customs and Border Protection requires an official declaration to be completed by both US residents and visitors entering the United States from abroad. The required form⁷ illustrates the principal in practice for international travelers, with questions asking if entering passengers “have been on a farm/ranch/pasture”, or if they have “been in close proximity of livestock.”

Another international example is New Zealand’s *Arrival Card*.⁸ It asks “In the past 30 days (while outside New Zealand) have you visited any wilderness areas, had contact with animals (except domestic cats and dogs) or visited properties that farm or process animals or plants?”

The World Organization for Animal Health (OIE) has numerous statements and materials on the importance of biosecurity. An *OIE Technical Fact Sheet*¹² specific to PEDv states, “Strict biosecurity is the most effective measure to prevent the introduction and spread of the virus, especially, introduction of pigs of known health status, on-farm movement control of pigs, material and people, disinfection of vehicles, equipment and appropriate disposal of dead pigs and slurry. The implementation and maintenance of high biosecurity programmes has been efficient to control PED in endemic countries.”

AI is another troublesome, recurring infectious disease. It occurs in poultry throughout the world. US poultry farmers have been battling a highly pathogenic strain (H5N2) since December 2014, when it was first identified in the Pacific Northwest.

Between December 2014 and June 2015, the United States experienced its worst highly pathogenic avian influenza (HPAI) outbreak – and most serious animal health disease incident – in history.¹⁰ HPAI was detected in commercial and backyard poultry flocks, wild birds, or captive wild birds in 21 States. With the last case of the spring outbreak identified in June, 2015, a total of 211 commercial and 21 backyard poultry premises had been affected. This resulted in the depopulation of 7.5 million turkeys and 42.1 million egg-layer and pullet chickens, with devastating effects on these businesses, and a cost to federal taxpayers of over \$950 million.⁹

Because animal diseases are a societal problem, APHIS is publishing an interim rule on HPAI indemnity that will contain a provision requiring all future HPAI-affected commercial poultry producers to self-certify that biosecurity procedures were in place at the time HPAI was detected. This represents the first step in creating a system of greater accountability for biosecurity.

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Following this, APHIS will collaborate over the next year with industry to design a biosecurity auditing system.⁹

In July of 2015, there was a discussion of the education received by all stakeholders in the battle with the H5N2 strain of AI. The summary of the *2015 Avian Influenza Outbreak...Lessons Learned Conference* cited a general recognition that good biosecurity remains a critical component of preventing infection.¹¹

The most important point to this discussion of biosecurity as it relates to the actions of some individuals is that entering a farm, ranch, barn, or any facility without observing the biosecurity protocols in place is that it creates a substantial risk of infecting the animals present. This risk can occur from exposure to an original introduction of a pathogen to the premises, or spreading the infectious agent from an infected area to a clean area. Controlling the movement of people (employees, visitors) on premises is very important, and violation of biosecurity protocols places animal health at risk.

Intentional infection of livestock and poultry is another important consideration. “A devastating attack or the threat of an attack on the domestic animal population... through use of highly contagious animal diseases, ...foreign pest infestation, or other contaminants could result in severe economic loss and public health consequences, as illustrated in unintentional events. A food or agriculture incident will, most likely, involve international trade given the increasing globalization of the food and agriculture supply chain.”³⁵

Such an attack could destroy an entire sector of the U.S. economy. The introduction of foot and mouth disease – a foreign animal disease – potentially would cause the depopulation of thousands of livestock animals, and severely interrupt U.S. exports of meat. The cost could rise to the billions of dollars in lost production, lost jobs, and mitigation efforts. The 2001 outbreak of foot and mouth disease in Great Britain reached £2 billion.³⁶ These costs do not account for the human misery involved in such catastrophes.

But even by people whose intentions are to relieve animal suffering through secret activities on the premises of animal agriculture enterprises, animal health can be placed at risk from people untrained in biosecurity measures specific to an individual agricultural operation. For example, there appears to be no training of undercover operatives for organizations such as the Animal Legal Defense Fund (ALDF) or People for the Ethical Treatment of Animals (PETA) in animal disease prevention measures. Unless there is on-the-job training, the preparation of investigators appears to be confined to the logistics of making recordings, custody of evidence, and other legal considerations covering their clandestine activities.

This author saw no reference to training designed to protect animal health or welfare in the depositions given by the representatives of ALDF³⁸ or PETA³⁹ for this case. A search of the web sites^{40, 41} of these two organizations also resulted in no findings of such training.

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Utah Code §76-6-112 addresses the issue of unnecessary risks to animal health by defining “agricultural operations” at which the threat of introduction or spread of animal diseases is greatest (76-6-112 (1)). Farms on which livestock and poultry are raised are vulnerable to incursions of many diseases as recognized by governments around the globe, including the U.S. Also, this code is aligned with the disease prevention recommendations of international animal health organizations such as the OIE.

Additionally, section 76-6-112 (2) (a) is an excellent deterrent for persons unfamiliar with biosecurity principles – or biosecurity procedures specific to an agricultural operation – who would enter an agricultural operation “without consent” for the purpose of recording images or sounds. PEDv in swine and AI in poultry are only two examples of current tragedies of widespread death and illness among many herds and flocks on farms that can only be exacerbated by trespassers.

Section 76-6-112 (2) (a) also addresses important concerns that recordings might be used to document deliberate infection of animals. The result could be a large-scale animal epizootic perpetrated by intruders performing an act of terrorism.

Animal Welfare

Moving livestock and poultry requires training to protect the animals from injury and to minimize stress. These movements occur as animals of young ages are moved to housing more designed for older animals (e.g., chicken hatchery to house).

Another area of movement involves loading animals on transport vehicles to send them to establishments. Close attention to animals is required to ensure livestock are not injured and that techniques are employed to minimize stress as animals are loaded onto unfamiliar conveyances. Animal handlers must not be distracted by surreptitious efforts at recording activities.

Both unloading animals at slaughter houses and moving to pens and to the stunning area require very close attention. The USDA’s Food Safety and Inspection Service (FSIS) enforces the Humane Methods of Slaughter Act¹³ and its implementing regulations¹⁴. Enforcement actions for violations of the regulations are graduated, but include suspension of operations. In 2015, 68 establishments had suspension actions¹⁸ taken against them by FSIS.

Trade associations such as the National Chicken Council and the North American Meat Association have developed humane handling guidelines and audit criteria to gauge compliance with humane standards of animal handling, including training^{15, 16}. Animal handlers must be properly trained¹⁷ and committed to their tasks to pass these audits.

Even though someone might have experience in animal handling, or might receive on-the-job training, the attention of that person is distracted by secret recording activities. The individual’s dedication is divided between two sets of duties.

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An excellent alternative to clandestine documentation activities inside animal agriculture enterprises is to contact the Food Safety and Inspection Service (FSIS). FSIS is charged with enforcing humane handling requirements. FSIS will accept notifications of concerns about violations of humane handling from any source. The Humane Handling Enforcement Coordinator is an excellent point of contact, but any FSIS District Office or Senior Executive in the Office of Field Operations will accept a complaint and see that it is investigated.

The USDA created the Department-level Ombudsman position in the Office of Food Safety. The Ombudsman provides a neutral forum for stakeholders to report humane handling concerns.³⁷ This is an excellent alternative to clandestine documentation activities inside animal agriculture enterprises by people concerned about animal welfare. The Humane Handling Ombudsman is responsible for receiving and addressing concerns or complaints related to FSIS verification and enforcement of Federal humane handling and slaughter statutes and regulations.

The Humane Handling Ombudsman may be contacted at any time. There are no prerequisites that define the circumstances as to when the Ombudsman can or should be contacted. The activities and responsibilities of the Humane Handling Ombudsman are carried out within the context of three guiding principles: independence, confidentiality, and neutrality. Complainant's identities are kept confidential except in instances where consent is given to disclose the identity or in situations of imminent threat to public or personal safety.

In addition, the Humane Handling Ombudsman can issue both formal and informal recommendations which may identify individual and systemic improvements. It is the adherence to these three guiding principles along with the ability to issue recommendations which differentiates the Humane Handling Ombudsman from the existing channels of redress.

Contact information for any of the officials identified above are easily found on the FSIS web site. Also, contact information for the 10 FSIS District Offices is readily available on the FSIS web site.

Utah Code §76-6-112 addresses the issue of risks to animal welfare by defining “agricultural operations” at which the risk for causing pain and unnecessary excitement is greatest (76-6-112 (1)). Additionally, section 76-6-112 (2) (b) should dissuade persons who would misrepresent their qualifications for working with livestock or poultry to obtain “access to an agricultural operation under false pretenses”, thereby endangering animal welfare.

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Risks to People*Human Health*

A zoonotic disease is a disease that can be passed between animals and humans. Zoonotic diseases can be caused by viruses, bacteria, parasites, and fungi. These diseases are very common. Scientists estimate that more than 6 out of every 10 infectious diseases in humans are spread from animals.¹⁹

There are 15 cattle diseases with zoonotic potential in the United States. They include anthrax, brucellosis, cryptosporidiosis, dermatophilosis, *Escherichia coli*, giardiasis, leptospirosis, listeriosis, pseudocowpox, Q fever, rabies, ringworm, salmonellosis, tuberculosis, and vesicular stomatitis.²⁰

“Zoonotic diseases associated with poultry include; Avian influenza, Avian tuberculosis, Salmonellosis, Ornithosis, Cryptosporidiosis and Campylobacteriosis. Birds infected with these diseases may have diarrhoea and discoloured dropping, but some birds may show no symptom of disease.”²¹

Infamously, a strain of highly pathogenic AI (H5N1) virus caused concern around the globe in 2003. H5N1 was first detected in humans in 1997 during a poultry outbreak in Hong Kong and has since been detected in poultry and wild birds in more than 50 countries in Africa, Asia, Europe, and the Middle East. Since its widespread re-emergence in 2003, rare, sporadic human infections with this virus have been reported in Asia, and later in Africa, Europe, and the Middle East. In January 2014, Canada reported the first human infection with HPAI Asian H5N1 virus in the Americas.²²

The ease of transmission to people of diseases harbored by animals is illustrated repeatedly at county fairs around the country. “Agricultural fairs provide an opportunity for bidirectional transmission of influenza A viruses. As part of an ongoing active influenza A virus surveillance project, nasal swab samples were collected from exhibition swine at 40 selected Ohio agricultural fairs during 2012. Influenza A (H3N2) virus was isolated from swine at 10 of the fairs. According to a concurrent public health investigation, 7 of the 10 fairs were epidemiologically linked to confirmed human infections with influenza A (H3N2) variant virus. Comparison of genome sequences of the subtype H3N2 isolates recovered from humans and swine from each fair revealed nucleotide identities of >99.7%, confirming zoonotic transmission between swine and humans. All influenza A (H3N2) viruses isolated in this study, regardless of host species or fair, were >99.5% identical, indicating that 1 virus strain was widely circulating among exhibition swine in Ohio during 2012.”²³

Swine and poultry premises especially implement strict biosecurity measures. Although intended primarily for protection of the animals from exposure to pathogens, the measures also

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protect people. Visitors can be directed to areas of less exposure and risk. Trespassers have no such protection, and their entry should be prohibited.

Another aspect of clandestine recording activities by individuals is the potential effects on food products from meat or poultry. Numerous recalls of meat and poultry are effected each year for various hazards associated with the products. In 2014, there were 94 such recalls involving 18,675,102 pounds of product.²⁴

The Centers for Disease Control and Prevention (CDC) estimates that each year roughly 1 in 6 Americans (or 48 million people) get sick, 128,000 are hospitalized, and 3,000 die of foodborne diseases.²⁵ *Salmonella* infection alone accounts for \$365 million in direct medical costs each year.²⁶

Under no circumstances should anyone working for a company be distracted from the establishment's primary purpose of ensuring the production of safe food. A focus on any other activity, such as recording animal handling, is dangerous to human health.

Another very significant consideration in the days in which we live is the concept of food defense. "Food defense is not the same as food safety. Food defense focuses on protecting the food supply from intentional contamination, with a variety of chemicals, biological agents or other harmful substances by people who want to do us harm."³⁴ An attacker's goal might be to kill people or disrupt the economy. "Individuals motivated to attack a plant/product that do not have authorized access are considered to be intruders."³⁴

Utah Code §76-6-112 addresses the issue of unacceptable risks to human health by defining "agricultural operations" at which the risk for contracting or spreading zoonotic diseases or combatting intentional contamination of food is greatest (76-6-112 (1)). Additionally, section 76-6-112 (2) (c) is a good deterrent for persons who would endanger their own health and that of their close contacts by potentially exposing themselves to zoonotic diseases.

More importantly, large numbers of people eat the food produced in packing and processing plants. Section 76-6-112 (2) (c) also encourages people who are working in agricultural operations producing livestock and poultry products to focus on the primary job of food safety, rather than on recording images and sounds.

Section 76-6-112 (2) (b) could be used to address concerns about someone gaining entry to an agricultural operation producing food. In the realm of food defense, Section 76-6-112 (2) (c) addresses events that might be recorded to document the intentional contamination of food by intruders.

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Human safety

“Handling livestock is a dangerous activity.”²⁸ “Animal contact is often ranked as the first or second leading cause of injuries on the farm.”²⁹ From 1992-1997, 350 workplace deaths were associated with an animal-related event. Cattle and horses were the animals primarily involved, and workers in the agricultural industry experienced the majority of events.³⁰ “A high-energy trauma is applied to the body as a result of attack generally by bull, horse, pig..., possibly resulting in serious injury or death. People at greatest risk for these injuries are those whose occupation or livelihood involves large animals.”²⁸

People who work with dairy or beef cattle must pay strict attention to their assignments to prevent injuries to themselves and their co-workers. “Livestock handlers are involved in a variety of activities such as feeding, moving animals to different locations, loading animals on trucks/trailers....”²⁸ Also, “Dairy farming is known to be associated with a high risk of occupational injury and dairy cattle are repeatedly cited as one of the major sources of injuries on dairy farms.”²⁷

The same can be said of raising pigs. “Human injuries happen more often when people are handling animals than during any other activity performed in pork production.”²⁹ “... many injuries occur during swine movement and handling when pigs are moved from one location to another and ultimately to market/slaughter.”²⁹ To minimize risk to employees, “Most large swine farms have training programs for the safety of their workers and insurance purposes.”²⁹ Such training programs require diligence and attention to duty to be successful.

“Farmers and farm workers can easily be injured by livestock. Cattle, pigs, horses, sheep..., and other farm animals can be unpredictable and should be treated with caution at all times.”²⁸ Significant and continuing distractions, such as efforts to record on-farm events or activities, are dangerous to all employees.

“There are many serious safety and health hazards in the meat packing industry. The Bureau of Labor Statistics (BLS) reports injury and illness rates for the Meat Packing Industry as 2 ½ times higher than the national average. More serious injuries requiring work restrictions or days away from work are more than 3 times higher in meat packing than U.S. Industries as a whole.”³¹

Clearly, there are potentially serious consequences with surreptitious recording of incidents and practices at packing and processing plants. Whether it is working with live animals or in the food production facilities of a packing and processing plant can be dangerous, and requires one’s full attention to avoid injury to oneself and co-workers.

Unloading and moving animals at a packing plant create the same concerns as those identified above. Moving large animals within the confines of pens, alleys, and chutes requires close attention.

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There are also injuries waiting for those in the establishment who are distracted from their primary jobs. After the animals are humanely killed, there are scalding tanks, steam lines, hoists, heavy automatic machinery, and sharp blades to be avoided by workers in various locations. The Occupational Safety and Health Administration (OSHA) makes this statement specific to poultry processing plants, “Employees need to maintain their focus on the task they are performing. Distractions... can divert the employee’s attention, increasing the risk for cuts and lacerations.”³²

Similarly, OSHA provides these dangers from working in these plants:³³

What types of injuries can result from being struck by, struck against, or caught in machinery?

- Minor cuts and lacerations;
- Serious fractures, puncture wounds, amputations; and
- Fatalities.

Despite the many safety protocols that are in place in a typical plant, a worker’s safety depends on following safety procedures. Failure to do so exposes not only the unfocused individual to harm, but also co-workers in the immediate vicinity.

Utah Code §76-6-112 addresses the issue of unacceptable risks to human safety by defining “agricultural operations” at which the risk for injury is greatest (76-6-112 (1)). Additionally, section 76-6-112 (2) (c) is a constraint for persons who would endanger their own safety and that of other workers by losing focus on “safety first”, instead focusing on recording images and sounds.

VI. Conclusion

There are risks to animals and to people associated with activities by individuals when engaged in stealthy activities such as secret documentation of animal handling practices on farms and in packing plants. Among the risks are threats to animal health and welfare, exposure of employees to unsafe working conditions, and of consumers to unsafe food.

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38. Animal Legal Defense Fund, People for the Ethical Treatment of Animals, et al., Plaintiffs v. Gary R. Herbert, in his official capacity as Governor of Utah; et al., Defendants.; Case No. 2:13-CV-00679-RJS-EJF; Deposition of Animal Legal Defense Fund, through its designated representative, Carter Dillard; Monday, October 26, 2015

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Other Materials Reviewed

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2. Amy Meyer Exhibits 1-9

Signed

A handwritten signature in black ink that reads "Dr. Wm James". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Dr. William James

January 29, 2016